



Please type and plus sign (+) inside this box → ☒

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

AFW  
3634

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/813,225
Filing Date	March 20, 2001
First Named Inventor	Orr et al.
Group Art Unit	3736
Examiner Name	P. Mallari
Attorney Docket Number	2181-4637US

### ENCLOSURES (check all that apply)

- ☒ Postcard receipt acknowledgment (attached to the front of this transmittal)
- ☒ Duplicate copy of this transmittal sheet in the event that additional filing fees are required under 37 C.F.R. § 1.16
- ☐ Preliminary Amendment
- ☐ Response to Restriction Requirement/Election of Species Requirement dated
- ☐ Amendment in response to office action dated
- ☒ Amendment under 37 C.F.R. § 1.116 in response to final office action dated April 5, 2005
- ☐ Additional claims fee - Check No. in the amount of \$
- ☐ Letter to Chief Draftsman and copy of FIGS. with changes made in red
- ☐ Transmittal of Formal Drawings
- ☐ Formal Drawings ( sheets)

- ☐ Information Disclosure Statement, PTO/SB/08A; ☐ copy of cited references
- ☐ Supplemental Information Disclosure Statement; PTO/SB/08A; copy of cited references and Check No. in the amount of \$180.00
- ☐ Associate Power of Attorney
- ☐ Petition for Extension of Time and Check No. in the amount of \$
- ☐ Petition
- ☐ Fee Transmittal Form
- ☐ Certified Copy of Priority Document(s)
- ☐ Assignment Papers (for an Application)

- ☐ Terminal Disclaimer
- ☐ Terminal Disclaimer
- ☐ Terminal Disclaimer
- ☐ Other Enclosure(s) (please identify below):

Remarks

The Commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account 20-1469 during pendency of this application.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name Brick G. Power

Registration No. 38,581

Signature

Date

June 6, 2005

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name Erika Gandre

Signature

Date

June 6, 2005

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



**PATENT  
Expedited Procedure  
Under 37 C.F.R. § 1.116  
Technology Center 3700**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:** Orr et al.

**Serial No.:** 09/813,225

**Filed:** March 20, 2001

**For:** REBREATHING METHODS  
INCLUDING OSCILLATING,  
SUBSTANTIALLY EQUAL  
REBREATHING AND NON-  
REBREATHING PERIODS

**Confirmation No.:** 3421

**Examiner:** P. Mallari

**Group Art Unit:** 3736

**Attorney Docket No.:** 2181-4637US (01-38)

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

June 6, 2005  
Date

  
Signature

Erika Gandre  
Name (Type/Print)

**AMENDMENT UNDER 37 C.F.R. § 1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Amendment is being filed in response to the Final Office Action mailed on April 5, 2005, the three-month shortened statutory period for response to which expires on July 5, 2005. As June 5, 2005, falls on a Sunday and this Amendment is being filed by Monday, June 6, 2005, it should be deemed to have been submitted within two months of the mailing date of the Final Office Action.

Amendments to the claims are set forth in the listing of the claims that begins on page 2 of this paper; and

Remarks start at page 14 of this paper.